

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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GARDEN CITY BOXING CLUB, INC., as Broadcast  
Licensee of the November 27, 2004 Barrera/Morales  
Program,

Plaintiff,

-against-

GEORGE HUESCA, Individually and as officer,  
director, shareholder and/or principal of LA  
CAMPIRENA MEXICAN REST., Co. d/b/a  
TAQUEIRA LA CAMPIRENA MEXICAN  
RESTAURANT a/k/a LA CAMCIRANA a/k/a LA  
CAMPIRANA MEXICAN BAR a/k/a LA  
CAMPIRANA BAR a/k/a TAQUERIA LA  
CAMPIRANA MEXICAN RESTAURANT, and LA  
CAMPIRENA MEXICAN REST., CO. d/b/a  
TAQUEIRA LA CAMPIRENA MEXICAN  
RESTAURANT a/k/a LA CAMCIRANA a/k/a LA  
CAMPIRANA MEXICAN BAR a/k/a LA  
CAMPIRANA BAR a/k/a TAQUERIA LA  
CAMPIRANA MEXICAN RESTAURANT,

Defendants,

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NICHOLAS G. GARAUFIS, U.S. District Judge.

MEMORANDUM & ORDER

05-CV-3698 (NGG) (MDG)

Plaintiff Garden City Boxing Club, Inc. (“Plaintiff” or “Garden City”) brings this action under 47 U.S.C. §§ 553 and 605 against Defendants George Huesca (“Huesca”) and La Campirena Mexican Restaurant, Co. (“La Campirena”) (collectively, “Defendants”) for having intercepted and displayed to their customers, without Plaintiff’s authorization, a pay-per-view cable television broadcast. On December 6, 2005, the court referred the case to Magistrate Judge Marilyn D. Go for an inquest hearing.

On December 4, 2007, Magistrate Judge Go issued a Report and Recommendation (“R &

R”) in the above-captioned action recommending: (1) that this court award Plaintiff \$1,000 in statutory damages, \$3,000 in enhanced damages, \$852.50 in attorneys’ fees, and \$450 in costs, for a total judgment of \$5,302.50 against Defendant La Campirena; and (2) that no judgment be granted against Defendant Huesca.

In reviewing an R & R, this court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). In order to accept a Magistrate Judge’s R & R where no timely objection has been made, the “court need only satisfy itself that there is no clear error on the face of the record.” Urena v. New York, 160 F. Supp. 2d 606, 609-10 (S.D.N.Y. 2001) (quoting Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985)); see also Pizarro v. Bartlett, 776 F. Supp. 815, 817 (S.D.N.Y. 1991) (court may accept report if it is “not facially erroneous”). Defendants have filed no objections to the R & R.

This court has reviewed the R & R and is satisfied that there is no clear error on the face of the record. Accordingly, the court hereby orders: (1) that Plaintiff be awarded \$1,000 in statutory damages, \$3,000 in enhanced damages, \$852.50 in attorneys’ fees, and \$450 in costs, for a total judgment of \$5,302.50 against Defendant La Campirena; and (2) that no judgment be entered against Defendant Huesca. The Clerk of the Court is directed to enter judgment accordingly.

SO ORDERED.

Dated: June 16, 2008  
Brooklyn, N.Y.

/s Nicholas G. Garaufis  
NICHOLAS G. GARAUFIS  
United States District Judge